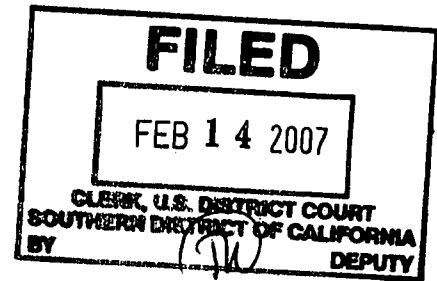


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Attorneys for Plaintiff  
 United States of America

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

11		)	Case No. 07CR0329-LAB
12	UNITED STATES OF AMERICA,	)	
13		)	GOVERNMENT'S MOTION TO APPOINT
14	Plaintiff,	)	COURT SECURITY OFFICER UNDER
15	v.	)	CLASSIFIED INFORMATION
16	KYLE DUSTIN FOGGO (1),	)	PROCEDURES ACT
17	aka "Dusty" Foggo, and	)	
18	BRENT ROGER WILKES (2),	)	Date: TBD (if necessary)
19		)	Time: TBD (if necessary)
20	Defendants.	)	Courtroom: Number 9 (2nd Floor)
21		)	Judge: Honorable Larry A. Burns

Plaintiff the United States of America, by its counsel Carol C. Lam, United States Attorney, and Sanjay Bhandari, Jason A. Forge, and Phillip L.B. Halpern, Assistant U.S. Attorneys, hereby moves this Court to appoint a Court Security Officer as a preliminary procedural step under the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3, §§ 1-16.

I

INTRODUCTION

On February 13, 2007, a federal grand jury sitting in the Southern District of California returned an indictment charging defendants Kyle Dustin Foggo (aka "Dusty" Foggo) and Brent Roger Wilkes with one count of conspiracy in violation of 18 U.S.C. § 371, seven counts of honest services wire fraud in violation of 18 U.S.C. §§ 1343 and 1346, and three counts of money laundering in violation of 18 U.S.C. § 1957. The Indictment alleges that defendant Foggo violated his duty of honest services to the United States and its citizens by using his high-ranking positions with the Central Intelligence Agency

CA

1 (“CIA”) to steer CIA contract funds to defendant Wilkes. Accordingly, this case will present issues  
2 under CIPA.

3 II

4 ARGUMENT

5 The United States intends to file papers with the Court within one week providing an overview  
6 of the facts underlying this investigation and the procedural issues presented by the existence of  
7 classified information that is related to the criminal conduct. As a preliminary matter, though, the  
8 government asks that the Court appoint a Court Security Officer to assist the Court pursuant to  
9 paragraph 2 of the Security Procedures Established Pursuant to Pub. L. 96-456, 94 Stat. 2052, by the  
10 Chief Justice of the United States for the Protection of Classified Information, reprinted in 18 U.S.C.  
11 App. 3, § 9 note.

12 Under paragraph 2 of the Security Procedures, the Department of Justice “shall recommend to  
13 the court persons qualified to serve as court security officer.” The government recommends James P.  
14 Londergan as the Court Security Officer, and Michael Macisso and Christine Gunning as alternative  
15 Court Security Officers. All three are experienced court security officers who have been cleared for the  
16 level and category of classified information that will be involved in this case.

17 With the Court’s concurrence, the government will ask each of these individuals to contact the  
18 Court to discuss their possible appointment as Court Security Officer and/or Alternative Court Security  
19 Officer in this case.

20 DATED: February 14, 2007

Respectfully submitted,

21 CAROL C. LAM  
22 United States Attorney

23 

24 SANJAY BHANDARI  
25 JASON A. FORGE  
26 PHILLIP L. B. HALPERN  
27 Assistant U.S. Attorneys  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE DUSTIN FOGGO (1),  
aka "Dusty" Foggo, and  
BRENT ROGER WILKES (2),

Defendants.

Case No. 07CR0329-LAB

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Marla Negrete, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the GOVERNMENT'S MOTION TO APPOINT COURT SECURITY OFFICER UNDER CLASSIFIED INFORMATION PROCEDURES ACT on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

NONE

I hereby certify that I shall cause to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

1. Mark Geragos (Counsel for Defendant Wilkes)  
Geragos & Geragos, PLC  
350 S. Grand Avenue, 39<sup>th</sup> Floor  
Los Angeles, CA 90071-3480
2. Nancy Luque (Counsel for Defendant Wilkes)  
DLA Piper Rudnick Gray Cary US LLP  
1200 Nineteenth Street, N.W., Suite 700  
Washington, DC 20036
3. Mark J. MacDougall (Counsel for Defendant Foggo)  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Washington, DC 20036-1564

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2007.

  
MARLA NEGRETE